IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

Bail Appl..No. 654 of 2007(T)

CRIMENO.258/06 OF VELLARADA POLICE STATION

: PETITIONERS/ACCUSED 1 & 2

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1. TILAKAN, AGED 46 YEARS,
S/O.ASSARI, THIRUVATHIRA, MANAPPURAM,
MACHEL P.O., MALAYINKEEZHU, TRIVANDRUM.

2. SAJIKUMAR @ JOY, AGED 40 YEARS,
S/O.VELAPPAN, POOVANVILAKOM PUTHEN VEEDU,
ARAYALLOOR, THIRUMALA, TRIVANDRUM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 654 OF 2007 B

Dated this the 6th day of February, 2007

O R D E R

The petitioners, who are accused Nos.1 and 2 in Crime No.258/2006 of Vellarada Police Station for offences punishable under Sections 406 and 420 read with section 34 I.P.C., seek anticipatory bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the petitioners offering to arrange loan to the de facto complainant had in fact executed a Power of Attorney and had thereby cheated the de facto complainant to the tune of Rs.15 lakhs.

4. It is too early to accept the petitioners' contention that they only stood as witnesses of the Power of Attorney executed by the de facto complainant in favour of accused Nos.3 and 4. Anticipatory bail cannot be granted in a case of this nature. But, at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their application for regular bail considered by the Magistrate concerned. Accordingly, the petitioners

are directed to surrender before the Investigating Officer on any day between 7.2.2007 and 9.2.2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. The petitioners shall, thereafter, be produced before the Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioners for regular bail preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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